Human Rights Center “Viasna”

Human Rights Situation in Belarus: 2017

Analytical review

spring96.org

HUMAN RIGHTS SITUATION IN BELARUS: 2017. ANALYTICAL REVIEW

SUMMARY

- *the year was marked by a significant deterioration in the overall situation of human rights in the country as compared to the previous period of so-called 'soft practices', which began in August 2015 and ended with the start of mass protests in February 2017; the latter were in many ways provoked by the use of Presidential Decree number 3;*
- *the wave of demonstrations swept across many cities of the country to protest against the application of Decree number 3, which were viewed by the authorities as a serious threat to domestic political situation and led to large-scale repression against the protesters, activists and opposition leaders, independent journalists and human rights defenders. In March 2017, a total of 900 people were subjected to various forms of repression, according to the Human Rights Center "Viasna" (including participants in the rally held on March 25 in Minsk). In total, according to Viasna's estimates, in 2017, there were more than 600 cases of administrative prosecution in connection with the exercise of freedoms of peaceful assembly and expression; in more than 250 cases, judges ordered administrative detention as a form of punishment;*
- *during 2017, the authorities actively practiced politically motivated judicial harassment. According to the Human Rights Center "Viasna", this kind of repression was used against 40 people. 35 of them were arrested on March 21-24 and held in pre-trial detention on charges of 'preparing riots'. Later, 16 persons faced an additional charge under Art. 287 of the Criminal Code (creating an illegal armed group). Of particular concern is the ongoing criminal case against activists of the independent trade union REP Henadz Fiadynich and Ihar Komlik (Part 2, Art. 243 of the Criminal Code, large-scale tax evasion);*
- *the year was marred by numerous cases of harassment of journalists working with independent media in connection with the exercise of their professional activities. According to BAJ, there were 69 cases of administrative prosecution of journalists, mainly sentenced to fines for cooperation with foreign media;*
- *the authorities released almost all persons earlier involved in criminal cases, and the majority of criminal cases were closed, which suggests that foreign policy and geopolitical factors continued to exert a significant influence on the political situation in the country, including the human rights situation. Despite the deterioration of the overall situation in the country during the spring events, the government continued its efforts to continue the dialogue and normalization of relations with the West (EU and US);*
- *as of end of 2017, the country's prisons continued to hold two political prisoners, Mikhail Zhamchuzhny and Amnesty International's prisoner of conscience Dzmitry Paliyenka;*
- *despite the continuation of the dialogue with the EU and the PACE on the issue of the death penalty and repeated calls for a moratorium on executions, Belarus continued to use this kind of punishment. In 2017, three new death sentences were handed down, and one man was executed;*
- *there were no systemic changes in the area of civil and political rights at the legislative level, while the widely announced reform of the law "On Mass Events" failed to change the restrictive essence of the law and its implementation. The authorities also failed to implement the OSCE ODIHR recommendations to amend the electoral law.*

I. POLITICALLY MOTIVATED PERSECUTION

The deterioration of the overall human rights situation in the country and the return of the country's authorities to the practice of using violent forms of repression against citizens also led to an increase in the number of cases of prosecution for political reasons as compared to the previous period (August 2015-February 2017).

The situation was particularly aggravated ahead of the annual demonstration on March 25. Moreover, last year's demonstration was announced in the midst of 'anti-parasite tax' protests across the country, which caused a nervous reaction of the Belarusian authorities. It was their desire to bring down the wave of street protests that served the basis for initiating a series of politically motivated criminal cases.

On March 21, during a working trip to the Mahilioŭ region, Aliaksandr Lukashenka said that 'several dozen militants' had been arrested for 'preparing armed provocations'. He said this in reply to a question from an employee of the local company Kronospan, who inquired about the 'reasons for the recent surge in the so-called fifth column and the various structures of the opposition.'

Following the statement, it was announced that the country's security forces arrested several people on March 21-22 and March 24. According to an official statement by the KGB, it held 26 persons on suspicion of committing a crime under Part 3, Art. 293 of the Criminal Code (training or other preparation of persons for participation in mass disorders, as well as funding or other material support of such activities). These included activists of the Young Front opposition group and former members of the White Legion organization, which ceased to exist more 10 years ago, as well as head of an officially registered military and sports club Patriot in Babrujsk Mikalai Mikhalkou and three of his former pupils. Other detainees were military personnel, emergency workers and officers of frontier troops. Later, on March 25, the Interior Ministry announced the arrest of five more suspects. The total number of detainees in the case reached 35 person. The arrests were accompanied by propaganda on national television and whipping up an atmosphere of fear in society.

On March 24, at a press conference in the office of the HRC "Viasna" with the participation of some of the detainees' relatives, the country's leading human rights organizations released a joint statement to label the criminal case a politically motivated prosecution.

On April 1, Young Front activists Zmitser Kremianetski, Raman Vasiliyeu, Artsiom Leuchanka and Uladzimir Yaromenak were released from custody. The organization's leader Zmitser Dashkevich and activist Siarhei Palcheuski were released on April 15. This was followed by the release of nearly all remaining suspects in April and May. At the same time, 16 of them faced additional charges under Article 287 of the Criminal Code (creation of an illegal armed group) and continued to be in prison until the end of June.

The human rights defenders stressed absence of any official information about the investigation, the essence of the charges, the physical condition and the conditions of detention of persons in custody. Under the threat of criminal prosecution, the defense lawyers were not allowed to disclose information about their clients or complaints about violations of their rights. The suspects who were released from custody were forced, in violation of Part 2, Art. 198 of the Code of Criminal Procedure, to sign a written undertaking not to disclose the

details of preliminary investigation, while the notion of ‘preliminary investigation’ was again interpreted extremely widely by the officials. This severely limited their right to defense and complicated the human rights community’s assessment of the case.

On June 2, the last two defendants in the case, Siarhei Kuntsevich and Andrei Bialiauski, were released from pre-trial detention.

After his release, Kuntsevich told RFE/RL’s Belarus service, and later the Human Rights Center "Viasna", that during his detention in the KGB building he was tortured with a stun gun and forced to disclose the whereabouts of opposition leader Mikalai Statkevich. Earlier, threats of physical violence were reported by the Young Front leader Zmitser Dashkevich and activist Siarhei Palcheuski. Palcheuski also said that he was recruited by the KGB. It should be noted that during the year there were several cases of recruitment and harassment of opposition activists by the security services.

Following the torture reports, the human rights organizations of Belarus made a statement to call on the authorities to investigate the allegations voiced by Siarhei Kuntsevich, as well as to release all the defendants in the criminal case of ‘preparing riots’.

On June 13, the authorities dropped the criminal charges against all the six Young Front activists. The official decision referred to the absence of elements of a crime in their actions.

On June 16, the Investigative Committee said it had taken over the criminal case of alleged creation of an illegal armed group, which was initially opened by the State Security Committee (KGB). Meanwhile, the KGB was said to have dropped the charges of preparing riots (Part 3, Art. 293 of the Criminal Code).

Between June 27 and 30, the authorities released the remaining persons charged in the case of an illegal armed group.

All of them were, in violation of Part 2, Art. 198 of the Code of Criminal Procedure, forced to sign a written undertaking not to disclose the details of preliminary investigation, and therefore they, as well as their lawyers, refrained from any comment on the essence of the charges. The situation was further complicated by the launch on September 12 and 15 of the Justice Ministry’s extraordinary certification of several lawyers of the Minsk City Bar. Following the certification, the qualification commission revoked the license of lawyer Hanna Bakhtsina and postponed for six months the decision on certifying seven more lawyers. This fact was viewed by the human rights community as blatant pressure on separate lawyers who were earlier involved in politically motivated criminal cases, as well as a flagrant violation of the right to defense of the persons accused in the case of an illegal armed group, who were also represented by a number of suspended lawyers.

Under such circumstances, the Human Rights Center "Viasna" said that it ruled out the possibility of witnessing a trial in the criminal case in accordance with fair trial standards, one of which is the possibility of obtaining professional legal assistance of an independent lawyer. A call to drop all charges against the defendants in the ‘illegal armed group case’ was contained in the Resolution of the Fourth Belarusian Forum of Human Rights Defenders, which was held in Vilnius on October 20-21.

On November 14, the criminal case was closed by the Investigative Committee. The authorities said that the charges were dropped for 'lack of corpus delicti', explaining at the same time that 'the training, which was conducted in the group can be qualified as typical of the personnel of a military formation or an illegal armed group.' "At the same time, during the preliminary investigation it was found that these actions were not aimed at changing the constitutional system and (or) territorial integrity, as well as committing any other unlawful acts and do not represent a public danger inherent in the crime, as it has not caused any substantial harm to the legally protected interests and public relations," the investigators said. In view of the above, the actions, in accordance with Part 4, Art. 11 of the Criminal Code, were deemed insignificant.

It should be noted that the termination of prosecution, under para. 2, Part 1, Art. 29 of the Code of Criminal Procedure, is a ground for claiming compensation for non-pecuniary damage. However, attempts to recover moral damages in connection with the illegal detention of a Young Front activist Zmitser Kremianetski were unsuccessful, after the Court of the Maskoŭski district of Minsk dismissed his claim.

The case of an illegal armed group was followed by a criminal case under Part 2, Art. 295 of the Criminal Code (illegal manufacture, purchase, transfer, sale, storage, transportation, or carrying of firearms, ammunition, explosives, etc.) against Andrei Bialiauski. During a search at his apartment held in March, investigators found an AK-47 round. On December 12, Bialiauski was formally charged. Human rights activists called on the Investigative Committee to find the offense insignificant and drop the charge, but the case was sent to court.

Another landmark case of 2017 was the prosecution of Henadz Fiadynich and Ihar Komlik, leaders of the independent trade union REP. According to some analysts, the charges were linked to the trade union's activities during the protests of February and March.

On August 2, REP's offices in Minsk and Salihorsk were raided by financial police. The union's leader Henadz Fiadynich and accountant Ihar Komlik were detained. The same day, Fiadynich was released, while Komlik remained in custody.

On August 10, Ihar Komlik was charged under Part 2, Art. 243 of the Criminal Code (large-scale tax evasion) and transferred to jail number 1 in Minsk. On August 11, a similar charge was brought against Henadz Fiadynich.

The charges stemmed from foreign aid the trade union had received from one of its European partners. This case once again demonstrated the problem of unimpeded access of NGOs to foreign funding and regulatory conditions for such assistance.

On August 3, the leading human rights organizations of Belarus said that they consider Ihar Komlik a political prisoner and linked the persecution of the trade union leaders to their activities and exercise of the right to freedom of association.

The arrests caused a significant international impact. The IndustriALL Global Union and the International Trade Union Confederation called on the Belarusian authorities to drop the charges against Henadz Fiadynich and Ihar Komlik. A similar statement was made by the Observatory for the Protection of Human Rights Defenders, a joint program of FIDH and the World Organization Against Torture (OMCT), which also called on the Belarusian government to drop all charges against Ihar Komlik and stop the prosecution of the trade union leaders for

their peaceful activities. A statement with a call to withdraw all charges against Fiadynich and Komlik was released by the Swedish human rights organization Civil Rights Defenders.

On October 2, Ihar Komlik was released from jail on his own recognizance. However, the charges were not dropped as of the end of 2017.

On April 7, the Court of the Zavodski district of Minsk cancelled the suspension of execution of an earlier sentence handed down to social activist Dzmitry Paliyenka. Taking into account the time spent in pre-trial detention, the activist was sentenced to 1 ½ years in prison. Paliyenka was sent to the Babrujsk-based penal colony number 2. On 12 October 2016, the Court of the Centraĺny district of Minsk found Paliyenka guilty of committing crimes under Art. 364 (violence or threat of violence against a law enforcement officer) and Part 2, Art. 343 of the Criminal Code (manufacture and distribution of pornographic materials or items of a pornographic nature) and sentenced him to two years' suspended imprisonment. The charges stemmed from an incident during his involvement in the Critical Mass cycling event. Human rights activists welcomed the release of Paliyenka in the courtroom, but at the same time noted lack of sufficient and conclusive evidence in the criminal case, both in terms of alleged violence against a police officer and dissemination of pornographic content online.

Following the decision to cancel the suspension of Paliyenka's sentence and his transfer to prison, the country's human rights organizations issued a joint statement to recognize the activist a political prisoner and to demand his immediate release. On August 22, Amnesty International said in a statement that Dzmitry Paliyenka is a prisoner of conscience and demanded his immediate and unconditional release.

Considerable public outcry was sparked by the criminal case against activist Viachaslau Kasinerau, who was taken into custody on March 28 on charges of committing a crime under Part 1, Art. 339 of the Criminal Code (hooliganism). The charges stemmed from a performance the activist staged on March 12 outside the Interior Ministry's building in Minsk. During the act, Kasinerau threw a noose on the statue of a Russian Empire police officer to protest against police impunity and persecution of activists of the country's anarchist movement.

On April 5, nine human rights organizations issued a joint statement to recognize Viachaslau Kasinerau a political prisoner and to demand his immediate release.

On April 21, the activist was released on his own recognizance. On April 27, the Court of the Maskoŭski district of Minsk found Kasinerau guilty of hooliganism and sentenced him to a fine of 115 rubles. Despite the relatively mild punishment, human rights defenders did not change their assessment of the case.

During the year, human rights defenders followed several other politically motivated criminal cases.

In May, charges under Part 1, Art. 368 of the Criminal Code (defamation of the President of the Republic of Belarus) were brought against activists of the European Belarus opposition movement in Brest Palina Sharenda-Panasiuk and Andrei Sharenda. It should be noted that the country's human rights community insists on decriminalization of defamation offenses and considers the practice of criminal prosecution for such offenses not consistent with international standards of human rights. On June 17, the activists were notified by the Investigative Committee that the criminal prosecution was discontinued.

On January 11, human rights activist Andrei Bandarenka, who was then serving a sentence of imprisonment in connection with the commission of crimes under Part 1-3, Art. 339 of the Criminal Code (hooliganism) was charged under Part 2, Art. 411 of the Criminal Code, 'malicious disobedience to the administration of a correctional facility committed by a person convicted of a serious or especially serious crime', for which he faced imprisonment of up to two years.

Human rights activists said that in the event of Bandarenka's new conviction they were ready to recognize him a political prisoner. On March 30, the Court of the Lieninski district of Minsk acquitted Bandarenka, and on March 31, he was released from prison.

After five months of compulsory treatment in a psychiatric hospital, the Court of the Frunzienski district of Minsk ordered the release of Aliaksandr Lapitski. Earlier, human rights activists issued a joint statement to recognize Lapitski a political prisoner and demanded his release from mental hospital and, if necessary, guarantees of his treatment in conditions not involving deprivation of liberty, as well as the adoption of measures aimed at the decriminalization of defamation offenses in the legislation of Belarus.

Thus, in 2017, politically motivated persecution affected 40 persons. At the end of 2017, the country's prisons continued to hold two political prisoners, Mikhail Zhamchuzhny and Dzmitry Paliyenka.

Assessing the situation with the problem of politically motivated prosecutions in 2017 as a whole, it should be noted that a large number of people facing this type of political repression is a sign of a dramatic deterioration in the general human rights situation in the country as compared to 2016. The repression culminated in the spring, when many Belarusian cities were hit by a wave of protests, which were, to a great extent, provoked by the authorities' decision to launch the nation-wide application of the infamous Presidential Decree number 3, which in turn reflects the desire of the authorities to bring down the protest mood in society and win back the tight control in the country.

On the other hand, the release of virtually all those detained during the spring events and the dropping of most of the criminal charges suggest that the geopolitical processes in the region (primarily, Ukraine-Russia crisis) and the desire to normalize relations with the Western countries (EU and US) continued to play a significant role in the domestic political situation, which certainly continued to have an impact on the human rights situation.

II. HARASSMENT OF HUMAN RIGHTS DEFENDERS

The overall human rights situation in the country had a considerable impact on human rights defenders. On the one hand, the authorities in some cases showed significant steps toward a dialogue with human rights defenders, but at the same time, the worsening of the overall situation during the spring protests led to increased pressure on the activists.

An illustrative example of this pressure was the police raid on the office of the Human Rights Center "Viasna" on March 25 during a briefing of volunteers who were expected to observe a demonstration scheduled for the day.

As a result, more than 50 volunteers, journalists and representatives of foreign and international organizations were detained. These included Aleh Hulak (BHC Chairman), Raisa Mikhailouskaya, Liudmila Kuchura, Dzmitry Drozd (Belarusian Documentation Center), Ales

Bialiatski, Nasta Loika, Iryna Smeyan-Siemianiuk, Siarzhuk Siemianiuk, Aliaksei Loika (Human Rights Center “Viasna”), Macha Chichtchenkova (Front Line Defenders), Yevheniya Andreiuk (Crimea-SOS). Aliaksei Loika was beaten by the police and hospitalized with a head injury. However, his later complaint asking to prosecute the police officers was rejected by the authorities.

According to an official reply by the Investigative Committee, the attack and the subsequent detention of human rights defenders were initiated by the KGB and carried out on the personal instructions of top police officials.

During the surge of mass repressions against the participants and organizers of the protests against the application of Decree number 3, human rights activists were often victims of repression in various parts of Belarus, along with the direct participants of these protests, opposition activists and journalists. It is worth noting that they were detained solely in connection with the implementation of their human rights activities.

Five human rights defenders were subjected to administrative responsibility and served short prison terms: Leanid Svetsik, Kanstantsin Mardzvintsau (HRC "Viasna"), Pavel Levinau, Ales Yauseyenka and Eduard Balanchuk (BHC). Based on the false testimony by police officers, a court in Minsk fined President of the Belarusian Human Rights House Tatsiana Reviaka. In this regard, international human rights organizations repeatedly urged on the Belarusian authorities to cease pressure on human rights defenders.

The year saw no positive development in the case of human rights activist Alena Tankachova, head of the Center for Legal Transformation, who was expelled from Belarus back in 2015. A Russian national, Tankachova faced a ban on entering Belarus until February 2018. The Ministry of Internal Affairs repeatedly refused to reduce the entry ban without citing any valid reasons.

These actions were assessed by the human rights community as an instance of prosecution for the activist’s human rights work. Calls for ensuring her return to Belarus are still part of the human rights agenda.

During a Parallel Civil Society Forum, which was held in Minsk on 4 July on the eve of the session of the OSCE Parliamentary Assembly, 65 Belarusian and foreign human rights activists signed a petition to the Foreign and Interior Ministers Uladzimir Makei and Ihar Shunevich demanding to allow Alena Tankachova to immediately return to Belarus and to exclude her from the entry ban list. The petition, however, was not considered at all. A later appeal against the Ministry of the Interior was lost in court.

No positive solution was offered to the problem of registration of the Human Rights Center "Viasna". During 2017, the authorities generally maintained a negative and confrontational attitude towards the organization, and the absence of any visible progress in the area of freedom of association in the country, as before, rendered meaningless all attempt to obtain state registration by the HRC "Viasna" in view of the very predictable negative result. This also applies to the problem of registration of several other human rights organizations and initiatives.

III. RIGHT TO LIFE. THE DEATH PENALTY

Despite the continuation of an official dialogue on the issue of death penalty, in 2017 Belarus still used this type of punishment in practice.

On March 17, the Homieĺ Regional Court handed down a death sentence to a 32-year resident of Naroŭlia, Aliaksei Mikhalenia. This was the first death verdict of 2017.

In May, human rights activists learned about the execution of Siarhei Vostrykau, earlier sentenced to death by the Homieĺ Regional Court.

On July 21, the Mahilioŭ Regional Court issued a death sentence against Ihar Hershankou and Siamion Berazhnoi. On December 20, the death verdicts were confirmed by the Supreme Court. Thus, the death sentences came into force.

As of the end of 2017, according to human rights activists, another man, Kiryl Kazachok, was awaiting execution on death row in jail number 1 in Minsk.

At the same time, a working group on the abolition of the death penalty resumed its work at the Parliament. During a speech at the discussion of the situation with human rights and development of democracy in Belarus after the parliamentary elections that took place on January 24 at the Parliamentary Assembly of the Council of Europe (PACE) in Strasbourg, Chairman of the Standing Commission on Human Rights, National Relations and Mass Media and Head of the Working Group on the death penalty Andrei Navumovich announced his readiness to hold parliamentary hearings on the issue of the death penalty.

Earlier, representatives of the campaign “Human Rights Defenders Against the Death Penalty in Belarus” wrote to all 110 MPs to suggest holding parliamentary hearings.

The EU and the Council of Europe continued to urge the authorities of Belarus to introduce a moratorium on the death penalty.

The campaign "Human Rights Defenders Against the Death Penalty in Belarus" continued its active work, both at the international and national levels.

On February 6, the European Parliament hosted a hearing on the issue of the death penalty in Belarus. MEPs were addressed by representatives of the HRC "Viasna" Valiantsin Stefanovich and Andrei Paluda, as well as Liubou Kavaliova, the mother of Uladzislau Kavaliou, who was executed in 2012 on terrorism charges.

President Aliaksandr Lukashenka, however, continued to appeal to the choice of the citizens who supported the death penalty in a national referendum in 1996. At a meeting with representatives of Belarusian and foreign mass media in Minsk on February 3, Lukashenka said that the abolition of the death penalty or a moratorium on its application did not depend on him, though it could have a positive impact on his reputation. “I have no right to abolish the death penalty or impose a moratorium on it,” he said. “We had the referendum, and I cannot go against the people. If we hadn’t had it, I could have at least somehow thought about it.”

On November 24, Aliaksandr Lukashenka told reporters: “If we want to do this, it is necessary to bring this issue to a referendum. If today we put the question of the death penalty at a referendum, I do not need to tell you, you know, what the result will be.” Unfortunately, Lukashenka remains a stubborn supporter of the death penalty in Belarus.

IV. FREEDOM OF PEACEFUL ASSEMBLY AND EXPRESSION

The year was not marked by any significant changes in the exercise of the rights to freedom of peaceful assembly and freedom of expression, including through one-person pickets, which, according to the Belarusian legislation, are viewed as street protests.

The procedure for obtaining authorization for the organization of any kind of peaceful assemblies or pickets provides for a disproportionately broad obligation of the organizers to ensure public order, healthcare and a cleanup. The widely announced changes to the law on mass events did not change the restrictive and repressive nature of legislation and its objectionable and most criticized provisions. The exercise of the right is still dependent on the opinion of the executive authorities, the funds possessed by the organizers, and the consent of the law enforcement agencies, healthcare facilities and public utilities services.

Participation in, organization, as well as coverage of a peaceful assembly without a permit constitute an administrative offense and are punished by a fine or administrative detention. Last year's policy of punishing protesters with heavy fines under Article 23.34 of the Administrative Code, with no arrests or administrative detention, and without interfering with the conduct of the event, lasted until the end of February, when the first administrative arrests were imposed on the participants of a protest against the construction of a business center in the protected area of the Kurapaty forest, the site of Soviet-time mass executions.

Later the same month, numerous places across the country were hit by a wave of peaceful protests against Presidential Decree number 3, which provided for a fee for some categories of citizens, which, according to the Decree, did not contribute to the financing of public expenses. Human rights activists labeled the Decree a violation of the right to free labor. Contrary to the expectations of the authorities, the introduction of the fee was heavily criticized, including by the broader, politically neutral social groups.

Local governments routinely denied permission to hold protests; however, anti-parasite tax demonstrations were held in Minsk (on February 17) and in the regional centers (on February 19). Police officers did not disperse the demonstrations, but charged dozens of people with illegal protesting, who were later sentenced to heavy fines. Despite the pressure, protests continued in March and covered other cities of Belarus. The authorities responded with violent repression: more than two hundred people were arrested, including at least 70 protesters held and 54 subjected to administrative detention for the March 15 demonstration alone. Human rights defenders reported the authorities' return to the practice of so-called pre-emptive arbitrary arrests. The new wave of repression against peaceful demonstrators confirmed the absence of any changes in government policies, which was reflected in a joint statement by FIDH and the Human Rights Center "Viasna".

On March 25, a demonstration was held in Minsk to mark Freedom Day, the anniversary of the proclamation of the Belarusian People's Republic. Ahead of the protest, numerous law enforcement employees, including riot police were pulled in to demonstrate latest weapons and equipment to break up demonstrations. In the morning, the area of expected protest was cordoned off by police. The Minsk city executive committee offered to hold the demonstration in a different place, Park of Peoples' Friendship, saying that all other venues were illegal.

Despite the exclusively peaceful nature of the protest, many of its participants were detained with excessive violence; these included bystanders. Many detainees spent hours in the open air waiting to be registered on the territory of local police departments. Some of them were subjected to cruel and degrading treatment.

Part of the detainees were released without charges, while the rest, including participants in the protest held the following day, March 26, stood trials and were eventually punished with heavy fines and administrative detention.

According to the Human Rights Center "Viasna", a total of 178 people were convicted under administrative procedures on March 27: 145 in Minsk, and 33 in the regions — in Babrujsk (3), Barysaŭ (2), Brest (1), Viciebsk (11), Homieĺ (14) and Polack (2). The observers said that there were 75 administrative detentions and 93 fines, including at least 57 detentions and 80 fines in Minsk and at least 18 detentions and 13 fines in the regions.

On March 25, protests were also held in other places of Belarus. In March, more than 900 people became victims of persecution for exercising their rights to peaceful assembly and expression, according to the Human Rights Center "Viasna".

On April 4, the Ministry of Justice issued written warnings to the BPF Party, the United Civil Party and the Movement "For Freedom" over their involvement in the organization of the Freedom Day protest on March 25.

Some of the participants in peaceful assemblies were subjected to several administrative detentions imposed one after another: Maksim Filipovich, a video blogger in Homieĺ, served three consecutive detentions of 13, 5 and 7 days for alleged participation in the anti-parasite tax protests, and was once again sentenced to 7 days in jail shortly after his release. Thus, he was imprisoned for more than a month. Maksim Viniarski served two short prison terms in a row: 10 and 8 days; Leanid Kulakou was sentenced to the maximum possible duration of detention — 25 days.

In May, fines and terms of administrative detention were imposed on the participants in a protest held on May 1 in Minsk on the initiative of the Belarusian National Congress; similar protests were also held in Homieĺ, Brest, Mahilioŭ, Baranavičy and ended with detentions of activists.

The summer saw a decrease in the protest activity and the number of violations of the right to peaceful assembly. Nevertheless, the authorities reacted with fines and jail terms to every occasion of unauthorized public activity: courts convicted participants in a picket of solidarity with the defendants in the 'White Legion case', a rally against the joint Belarusian-Russian military exercises Zapad-2017, the March of Angry Belarusians 2.0, and other protests.

According to the Human Rights Center "Viasna", in 2017 judges handed down at least 425 rulings under Article 23.34 of the Administrative Code (participating in or organizing an illegal peaceful assembly). At least 126 (94 of them within the crackdown on Freedom Day) prosecutions of peaceful protesters (or pre-emptive arrest of activists) were qualified under Article 17.1 of the Administrative Code (disorderly conduct) based on false evidence by law enforcement officers, at least 8 — under Article 23.4 as a disobedience to police officers. There is no precise information on the essence of charges against at least 42 more participants in peaceful assemblies. Thus, in 2017 there were more than 600 cases of judicial harassment of

protesters for their exercise of the right to peaceful assembly. In more than 250 cases, the courts chose administrative detention as the penalty.

The government also restricted freedom of expression, which was exercised by other means.

For example, in Mahilioŭ, Uladzimir Laptsevich faced seven charges for his publications in the weekly of Belarusians in Poland “Niva”. The police argued that his actions constituted an administrative offense — illicit manufacturing of media content.

A disproportionately severe punishment was imposed on Mikalai Miakshyla, who attempted to write the word “Satan” on a sculpture of Lenin in Lida. He was reportedly beaten during arrest and was groundlessly held in prison for more than two months before the trial. A court sentence ordered a year of home detention.

Belarusian authors of a number of Russian information resources, Yury Paulavets, Dzmitry Alimkin and Siarhei Shyptsenka, have been held in custody for over a year. All of them are accused under Part 3, Art. 130 of the Criminal Code, ‘inciting racial, national or religious hatred, committed by a group of persons.’ Furthermore, Paulavets and Shyptsenka were charged with illegal business activities (Part 1, Art. 233 of the Criminal Code). The three men face up to 12 years in prison. The defense soundly criticized the quality of the evidence provided by the prosecution and referred to the exercise of fundamental rights guaranteed by the Constitution and the international commitments of Belarus in the field of human rights. Earlier, on November 1, the Belarusian Association of Journalists, the Belarusian Helsinki Committee, the Human Rights Center "Viasna" and a number of other organizations issued a joint statement in which they called on the Belarusian authorities to ensure a public hearing of the criminal case in accordance with the principles of a fair trial, as well as international standards for the protection of freedom of speech and expression.

V. RESTRICTIONS ON FREEDOM OF INFORMATION. PERSECUTION OF JOURNALISTS

The year was marked by a significant increase in the level of repression of journalists working for independent media outlets. This was manifested by increased pressure on freelance journalists who contribute to foreign media and have no accreditation in Belarus, as well as obstructing the work of journalists in covering protests.

According to the Belarusian Association of Journalists, during the year Article 22.9 of the Administrative Code (cooperation with foreign media) was used 69 times to impose fines totaling 52,923 rubles. Seven penalties were imposed on journalists Volha Chaichyts and Larysa Shchyrakova, 11 fines — Kanstantsin Zhukouski.

The authorities continued to persecute independent TV channel “Belsat”. On March 31, police raided Belsat’s two Minsk offices and confiscated equipment. Journalist Ales Liubianchuk was detained during the raid and later sentenced to a fine for alleged disorderly conduct based on false testimony of police officers. In October, a judge on spurious grounds fined Belsat’s cameraman Aliaksandr Barazenka 920 rubles for alleged copyright infringement, namely using the channel’s logo on equipment despite a 2014 ban by the Supreme Court.

On December 14, the Ministry of Information ordered to restrict access to the website belaruspartisan.org. The decision was made following a monitoring of the resource, which found ‘repeated publications of prohibited content.’

VI. TORTURE AND CRUEL, INHUMAN, DEGRADING TREATMENT

Despite criticism from human rights groups, the country's criminal law still does not provide for responsibility for cruel, inhuman and degrading treatment. It only establishes liability for willful commission by an official of an action that is clearly beyond the rights and powers granted to him or her within the service, provided that the act has caused damage on a large scale or significant harm to the rights and legitimate interests of citizens or government or public interests (abuse of power or official authority).

Consideration of complaints against police officers who used physical force, non-lethal weapons or in other ways caused pain and suffering to citizens is illegally reduced to protecting a right to use physical force and weapons provided by the Law "On the Bodies of Internal Affairs", without taking into account the feasibility and proportionality of such measures.

Responsibility for the use of torture is only applied when it is used against a suspect, a victim or a witness to be compelled to testify or against an expert to be compelled to give false testimony by an investigator or administrator of justice. Thus, actions by other authorities or for other purposes within the definition of torture in accordance with the UN Convention can go unpunished or be qualified as a crime against public health, excluding increased danger of such actions.

This approach negates the very idea of intolerance to any undue manifestations of cruelty and allows those guilty of prohibited treatment to escape responsibility or suffer it to a much lesser extent.

In particular, after an improperly conducted probe, the authorities refused to initiate a criminal investigation into the torture report voiced by Siarhei Kuntsevich following his release from the KGB prison.

Despite numerous appeals to the Investigative Committee and the Prosecutor's Office, no proper investigation was conducted into the cases of cruel and degrading treatment of detainees during the crackdown on mass protests on Freedom Day in Minsk, when hundreds of people were held in the rain and snow in the open air in an unsuitable location — the territory of departments of internal affairs, often with their hands up and facing the wall; moreover, there is evidence of beatings of detainees.

Protesters sentenced to administrative detention were subjected to cruel and derogatory conditions in jails: they were held in poor sanitary conditions, their basic needs and rights were not provided, including the right to take a shower, a walk, receiving sufficient food, water and medical care.

There were documented facts of cruel, inhuman and degrading treatment of persons sentenced to imprisonment. Especially vulnerable are those in need of medical care. Many deaths of prisoners are not properly investigated. Investigators groundlessly and prematurely close criminal cases and probes, while some cases are not investigated at all.

Prisoners are forced to do degrading labor as a means of restraint or punishment; for refusing to do such work the prisoners are brought to disciplinary responsibility, which creates legal grounds for extending their sentences. As of October 1, the country's penal facilities held 33,400 people.

Among them is political prisoner Mikhail Zhamchuzhny, who has faced unbearable conditions of detention. Zhamchuzhny's repeated calls to ensure his safety were responded with penalties for alleged violations of prison rules. The political prisoner was twice on the verge of being sent to maximum-security prison.

VII. VIOLATIONS OF FREEDOM OF ASSOCIATION

Human rights activists report lack of progress in ensuring freedom of association.

Activities of unregistered public associations, including those pursuing lawful objectives, are still banned and punishable under criminal law. At the same time, the procedure of registration of public associations is totally controlled by the Ministry of Justice and the justice departments of local authorities; registration of NGOs that pursue political or human rights objectives is prevented for smallest, easily fixable and even trumped up flaws in the registration documents.

In particular, during the year the authorities denied registration to the historical and educational public association "Chajsy", the cultural and educational association "Youth of Revival", the Socio-Christian Movement, and other associations.

There was no progress in establishing a regulatory framework, which could be conducive to obtaining by NGOs of legal funding for their activities. Violation of the prohibitions and restrictions unacceptable from the point of view of the Constitution and the international commitments of Belarus in the field of freedom of association entails administrative or criminal responsibility.

VIII. VIOLATIONS OF SOCIAL AND ECONOMIC RIGHTS

In 2017, violations of social and economic rights were particularly relevant in connection with the launch of Decree number 3. Even ahead of its adoption in 2016, the Decree was sharply criticized by the country's human rights community and independent trade unions for lack of compliance with the Constitution and the international standards of human rights.

Particular criticism by the human rights community was triggered by a provision of administrative detention in relation to citizens who are unable or refuse to pay the fee introduced by the Decree. The country's human rights organizations interpreted these provisions as forced labor and a violation of the ILO Convention, as well as the provisions of the ICCPR.

During 2017, Belarus continued to practice such traditional forms of forced labor as activity therapy centers (so called LTPs), the work of so called 'obliged persons', sending people for unpaid work on days-off (so called 'subbotniks'), as well as to harvest crops on government-owned farms. It should be noted that both human rights defenders and independent trade unions, as well as key international organizations, including the ILO and the UN Committee on Economic, Social and Cultural Rights, urged the Belarusian authorities to abandon the use of forced labor and to bring the provisions of legislation containing elements of forced labor in line with the international standards of human rights.

The cases of sending employees of state-owned enterprises, as well as university students to harvest potatoes and other crops received substantial media coverage during the year. In all these cases, the harvesting was organized by local executive authorities and was aimed at supporting the economic development of local government-owned farms. The order was

mandatory for employers and administrations of universities, which, in turn, made it compulsory for their employees and students.

Especially revealing is the sending of employees of a number of enterprises and universities in Homieĺ to harvest flax in several districts of the region. Publications about the situation appeared in a number of independent media, and the editorial office of gomelspring.org received copies of orders signed by Chairman of the Homieĺ regional executive committee Uladzimir Dvornik and Chairman of the city executive committee Piotr Kirychenka, which called to provide assistance to the farms in harvesting flax. Human rights defenders' attempts to make the prosecutor's office intervene, as in other similar cases, brought no results.

IX. IMPLEMENTATION BY BELARUS OF INTERNATIONAL OBLIGATIONS IN THE FIELD OF HUMAN RIGHTS

On June 23, the UN Human Rights Council voted at its 35th session to approve the Resolution "Situation of human rights in Belarus", and on June 27 the PACE adopted a similar resolution on the situation in Belarus.

The resolutions came as a reaction of both international organizations to the deteriorating human rights situation in Belarus.

The resolution adopted by the UN Human Rights Council extended the mandate of the Special Rapporteur on Belarus. The adoption of this resolution was supported by the majority of the Council members. Representatives of the human rights community had made some efforts to secure the renewal of the mandate of the Special Rapporteur, citing the deteriorating human rights situation in the country.

The Republic of Belarus continued to ignore the mandate of the UN Special Rapporteur on Belarus, introduced by the UN Human Rights Council in 2012. Over the years, Miklós Haraszti has not had the opportunity to visit Belarus, since it requires an official invitation from the authorities. In preparing his reports, the Special Rapporteur used information from the Belarusian human rights activists, experts and journalists, whom he met outside Belarus. He also referred to official documents, as well as complaints submitted by the citizens of Belarus within other UN human rights instruments.

On June 6, Minsk hosted the 26th Annual Session of the OSCE Parliamentary Assembly. On the eve of the session, a parallel civil society forum was held, which was attended by representatives of numerous international and foreign human rights organizations, including those earlier blacklisted by the Belarusian authorities. The Forum adopted a resolution. Miklós Haraszti visited Minsk as a participant of the Parliamentary Assembly's Session. He took part in a round table involving representatives of the government, political opposition and civil society.

Belarus continued to show a very selective approach to fulfilling its international obligations in the field of human rights. In some areas, it showed some progress, in particular in the implementation of the provisions of the International Convention on the Rights of Persons with Disabilities, which was earlier ratified by Belarus. The government also cooperated with NGOs on gender equality and children's rights.

In 2017, the Republic of Belarus submitted a report to the UN Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights, thus eliminating a

long-standing debt in its reporting before this treaty body. Two UN thematic committees held hearings on the country's report on the implementation of the UN conventions on the prevention of discrimination against women and racial discrimination.

During the year, there were a series of events related to the issues of implementation of the first ever National Human Rights Plan adopted to implement recommendations made within the second cycle of the Universal Periodic Review and the recommendations by the UN human rights treaty bodies for 2016-2019. These events were organized by the Foreign Ministry and involved representatives of other ministries and several NGOs, including human rights groups. However, the implementation of the Plan is extremely slow, lacks systemic approach and does not involve the country's human rights community. Belarus failed to establish permanent dialogue platforms of interaction between government bodies and human rights organizations. There is still no institute of an Ombudsman in the country.

Belarus continued to disregard the Views of the UN Human Rights Committee adopted in the cases of Belarusian citizens, whose rights were violated by the state. It also refused to cooperate with the UN Special Rapporteur on the human rights situation in Belarus.